

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 16-1 and 29B-1 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)
7 Sec. 16-1. Theft.

8 (a) A person commits theft when he knowingly:

9 (1) Obtains or exerts unauthorized control over
10 property of the owner; or

11 (2) Obtains by deception control over property of
12 the owner; or

13 (3) Obtains by threat control over property of the
14 owner; or

15 (4) Obtains control over stolen property knowing
16 the property to have been stolen or under such
17 circumstances as would reasonably induce him to believe
18 that the property was stolen; or

19 (5) Obtains or exerts control over property in the
20 custody of any law enforcement agency which is explicitly
21 represented to him by any law enforcement officer or any
22 individual acting in behalf of a law enforcement agency
23 as being stolen, and

24 (A) Intends to deprive the owner permanently
25 of the use or benefit of the property; or

26 (B) Knowingly uses, conceals or abandons the
27 property in such manner as to deprive the owner
28 permanently of such use or benefit; or

29 (C) Uses, conceals, or abandons the property
30 knowing such use, concealment or abandonment
31 probably will deprive the owner permanently of such

1 use or benefit.

2 (b) Sentence.

3 (1) Theft of property not from the person and not
4 exceeding \$300 in value is a Class A misdemeanor.

5 (1.1) Theft of property not from the person and not
6 exceeding \$300 in value is a Class 4 felony if the theft
7 was committed in a school or place of worship.

8 (2) A person who has been convicted of theft of
9 property not from the person and not exceeding \$300 in
10 value who has been previously convicted of any type of
11 theft, robbery, armed robbery, burglary, residential
12 burglary, possession of burglary tools, home invasion,
13 forgery, a violation of Section 4-103, 4-103.1, 4-103.2,
14 or 4-103.3 of the Illinois Vehicle Code relating to the
15 possession of a stolen or converted motor vehicle, or a
16 violation of Section 8 of the Illinois Credit Card and
17 Debit Card Act is guilty of a Class 4 felony. When a
18 person has any such prior conviction, the information or
19 indictment charging that person shall state such prior
20 conviction so as to give notice of the State's intention
21 to treat the charge as a felony. The fact of such prior
22 conviction is not an element of the offense and may not
23 be disclosed to the jury during trial unless otherwise
24 permitted by issues properly raised during such trial.

25 (3) (Blank).

26 (4) Theft of property from the person not exceeding
27 \$300 in value, or theft of property exceeding \$300 and
28 not exceeding \$10,000 in value, is a Class 3 felony.

29 (4.1) Theft of property from the person not
30 exceeding \$300 in value, or theft of property exceeding
31 \$300 and not exceeding \$10,000 in value, is a Class 2
32 felony if the theft was committed in a school or place of
33 worship.

34 (5) Theft of property exceeding \$10,000 and not

1 exceeding \$100,000 in value is a Class 2 felony.

2 (5.1) Theft of property exceeding \$10,000 and not
3 exceeding \$100,000 in value is a Class 1 felony if the
4 theft was committed in a school or place of worship.

5 (6) Theft of property exceeding \$100,000 and not
6 exceeding \$500,000 in value is a Class 1 felony.

7 (6.1) Theft of property exceeding \$100,000 in value
8 is a Class X felony if the theft was committed in a
9 school or place of worship.

10 (6.2) Theft of property exceeding \$500,000 in value
11 is a Class 1 non-probationable felony.

12 (7) Theft by deception, as described by paragraph
13 (2) of subsection (a) of this Section, in which the
14 offender obtained money or property valued at \$5,000 or
15 more from a victim 60 years of age or older is a Class 2
16 felony.

17 (c) When a charge of theft of property exceeding a
18 specified value is brought, the value of the property
19 involved is an element of the offense to be resolved by the
20 trier of fact as either exceeding or not exceeding the
21 specified value.

22 (Source: P.A. 91-118, eff. 1-1-00; 91-360, eff. 7-29-99;
23 91-544, eff. 1-1-00; 92-16, eff. 6-28-01.)

24 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

25 Sec. 29B-1. (a) A person commits the offense of money
26 laundering:

27 (1) when he knowingly engages or attempts to engage
28 in a financial transaction in criminally derived property
29 with either the intent to promote the carrying on of the
30 unlawful activity from which the criminally derived
31 property was obtained or where he knows or reasonably
32 should know that the financial transaction is designed in
33 whole or in part to conceal or disguise the nature, the

1 location, the source, the ownership or the control of the
2 criminally derived property; or

3 (2) when, with the intent to:

4 (A) promote the carrying on of a specified
5 criminal activity as defined in this Article; or

6 (B) conceal or disguise the nature, location,
7 source, ownership, or control of property believed
8 to be the proceeds of a specified criminal activity
9 as defined by subdivision (b)(6),

10 he or she conducts or attempts to conduct a financial
11 transaction involving property he or she believes to be
12 the proceeds of specified criminal activity as defined by
13 subdivision (b)(6) or property used to conduct or
14 facilitate specified criminal activity as defined by
15 subdivision (b)(6).

16 (b) As used in this Section:

17 (1) "Financial transaction" means a purchase, sale,
18 loan, pledge, gift, transfer, delivery or other
19 disposition utilizing criminally derived property, and
20 with respect to financial institutions, includes a
21 deposit, withdrawal, transfer between accounts, exchange
22 of currency, loan, extension of credit, purchase or sale
23 of any stock, bond, certificate of deposit or other
24 monetary instrument or any other payment, transfer or
25 delivery by, through, or to a financial institution. For
26 purposes of clause (a)(2) of this Section, the term
27 "financial transaction" also means a transaction which
28 without regard to whether the funds, monetary
29 instruments, or real or personal property involved in the
30 transaction are criminally derived, any transaction which
31 in any way or degree: (1) involves the movement of funds
32 by wire or any other means; (2) involves one or more
33 monetary instruments; or (3) the transfer of title to any
34 real or personal property. The receipt by an attorney of

1 bona fide fees for the purpose of legal representation is
2 not a financial transaction for purposes of this Section.

3 (2) "Financial institution" means any bank; saving
4 and loan association; trust company; agency or branch of
5 a foreign bank in the United States; currency exchange;
6 credit union, mortgage banking institution; pawnbroker;
7 loan or finance company; operator of a credit card
8 system; issuer, redeemer or cashier of travelers checks,
9 checks or money orders; dealer in precious metals, stones
10 or jewels; broker or dealer in securities or commodities;
11 investment banker; or investment company.

12 (3) "Monetary instrument" means United States coins
13 and currency; coins and currency of a foreign country;
14 travelers checks; personal checks, bank checks, and money
15 orders; investment securities; bearer negotiable
16 instruments; bearer investment securities; or bearer
17 securities and certificates of stock in such form that
18 title thereto passes upon delivery.

19 (4) "Criminally derived property" means: (A) any
20 property constituting or derived from proceeds obtained,
21 directly or indirectly, pursuant to a violation of the
22 Criminal Code of 1961, the Illinois Controlled Substances
23 Act or the Cannabis Control Act; or (B) any property
24 represented to be property constituting or derived from
25 proceeds obtained, directly or indirectly, pursuant to a
26 violation of this Code, the Illinois Controlled
27 Substances Act, or the Cannabis Control Act.

28 (5) "Conduct" or "conducts" includes, in addition
29 to its ordinary meaning, initiating, concluding, or
30 participating in initiating or concluding a transaction.

31 (6) "Specified criminal activity" means any
32 violation of Section 20.5-5 (720 ILCS 5/20.5-5) and any
33 violation of Article 29D of this Code.

34 (c) Sentence.

1 (1) Laundering of criminally derived property of a
2 value not exceeding \$10,000 is a Class 3 felony;

3 (2) Laundering of criminally derived property of a
4 value exceeding \$10,000 but not exceeding \$100,000 is a
5 Class 2 felony;

6 (3) Laundering of criminally derived property of a
7 value exceeding \$100,000 but not exceeding \$500,000 is a
8 Class 1 felony;

9 (4) Money laundering in violation of subsection
10 (a)(2) of this Section is a Class X felony;

11 (5) Laundering of criminally derived property of a
12 value exceeding \$500,000 is a Class 1 non-probationable
13 felony.

14 (Source: P.A. 92-854, eff. 12-5-02.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.